

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 MARC J. DAYS, et al.,

No. C 04-04850 CRB

12 Plaintiffs,

ORDER OF DISMISSAL

13 v.

14 LARRY BISHOP, et al.,

15 Defendants.

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17 This lawsuit arises out of the Chicago D&P ponzi scheme. Plaintiffs Marc Days and
18 Benjamin Holl, both lawyers proceeding pro se, were defrauded investors in Chicago D&P,
19 and they have filed this action against the company, its officers and directors, and defendant
20 Larry Bishop, an investor who profited from his investment and who also is alleged to have
21 brokered some real estate deals for Chicago D&P.

22 On August 18, 2006 the Court denied plaintiffs motion for summary adjudication
23 against Bishop for damages and restitution on their claims under California's Unfair
24 Competition Law and Rule 10b-5 of the Securities Exchange Act of 1934. Since that date,
25 plaintiffs have not taken any action on their claims. Accordingly, as plaintiffs have not
26 prosecuted this action for more than one year, this action is DISMISSED pursuant to Federal
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1 Rule of Civil Procedure 41(b).

2 **IT IS SO ORDERED.**

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4 Dated: Oct. 22, 2007

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CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE